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UNITED STATES STATUTES

CONCERNING THE

REGISTRATION OF PRINTS AND LABELS,

WITH THE

RULES OF THE PATENT OFFICE RELATING THERETO.

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THE LAW OF PRINTS AND LABELS.

CONSTITUTION, 1787.

ART. I, SEC. 8.—The Congress shall have power * * * to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

REVISED STATUTES.

SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such persons shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors or their assigns shall have exclusive right to dramatize or translate any of their works, for which copyright shall have been obtained under the laws of the United States.

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 4954. The author, inventor, or designer, if he be still living, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

STATUTE RELATING TO REGISTRATION OF PRINTS AND LABELS.

Sections 3, 4, and 5 of the act of Congress relating to patents, trade-marks, and copyrights, approved June 18, 1874 (18 Stat. L., p. 78), are as follows:

SEC. 3. That in the construction of this act the words "engraving, cut, and print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label, not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record, under the seal of the Commissioner of Patents, to the party entering the same.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be, and the same are hereby, repealed.

SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

RULES GOVERNING THE REGISTRATION OF PRINTS AND LABELS IN THE PATENT OFFICE.

UNITED STATES PATENT OFFICE,
Washington, D. C., July 1, 1902.

The following rules, designed to be in strict accordance with the provisions of the copyright law, for the registration of prints and labels, are published for gratuitous distribution.

Applicants for registration and their attorneys are advised that their business will be facilitated by the observance of the forms on pages 12–15.

F. I. ALLEN,
Commissioner of Patents.

CORRESPONDENCE.

1. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

2. Applicants and attorneys will be required to conduct their business with the office with decorum and courtesy. Papers presented in violation of this requirement will be returned. But all such papers will first be submitted to the Commissioner, and only returned by his direct order.

3. All letters should be addressed to "The Commissioner of Patents;" and all remittances by postal order, check, or draft should be to his order.

4. A separate letter should in every case be written in relation to each distinct subject of inquiry or application. Complaints against the examiner, assignments for record, fees, and orders for copies or abstracts must be sent to the office in separate letters.

5. Letters relating to pending applications should refer to the name of the applicant and date of filing. Letters relating to registered prints and labels should refer to the name of registrant and number and date of certificate.

6. The personal attendance of applicants at the Patent Office is unnecessary. Their business can be transacted by correspondence.

7. When an attorney shall have filed his power of attorney, duly executed, the correspondence will be held with him.

8. A double correspondence with an applicant and his attorney, or with two attorneys, can not generally be allowed.

9. The office can not undertake to respond to inquiries propounded with a view to ascertain whether certain prints and labels have been registered, or, if so, to whom, or for what goods; nor can it give advice as to the nature and extent of the protection afforded by the law, or act as its expounder, except as questions may arise upon applications regularly filed.

10. Express charges, freight, postage, and all other charges on matter sent to the Patent Office must be prepaid in full; otherwise it will not be received.

ATTORNEYS.

11. An applicant may prosecute his own case, but he is advised, unless familiar with such matters, to employ a competent attorney. The office can not aid in the selection of any attorney. An applicant may be represented by any person who is registered under the provisions of Rule 17 of the Rules of Practice of the Patent Office to prosecute applications for patents.

12. Before any attorney, original or associate, will be allowed to inspect papers or take action of any kind, his power of attorney must be filed. But general powers given by a principal to an associate can not be considered. In each application the written authorization must be filed. A power of attorney purporting to have been given to a firm or copartnership will not be recognized, either in favor of the firm or of any of its members, unless all its members shall be named in such power of attorney.

13. Substitution or association can be made by an attorney upon the written authorization of his principal; but such authorization will not empower the second attorney to appoint a third.

14. Powers of attorney may be revoked at any stage in the proceedings of a case upon application to and approval by the Commissioner; and when so revoked the office will communicate directly with the applicant, or such other attorney as he may appoint. An attorney will be promptly notified by the docket clerk of the revocation of his power of attorney.

15. For gross misconduct the Commissioner may refuse to recognize any person as an attorney, either generally or in any particular case; but the reasons for such refusal will be duly recorded and be subject to the approval of the Secretary of the Interior.

WHO MAY REGISTER A PRINT OR LABEL.

16. The author of any print or label, who is a citizen or resident of the United States, or who is a subject or citizen of any country to whose subjects or citizens the United States has extended the benefits of copyright, is privileged to obtain registration in the United States.

Any person to whom an author who has the privilege of copyright in the United States has transferred his copyright can apply for and obtain a copyright entry as a proprietor.

17. By the act of March 3, 1891, which went into effect on July 1 of the same year, the United States Congress, by amendment of the then existing copyright law, removed the limitation of the privilege of copyright to citizens of the United States and made it possible for foreign authors to obtain copyright in the United States upon the same terms as native authors. The last section of this statute limits its application as follows:

> That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as (to) its own citizens, and when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

Under the operation of this provision, the privileges of copyright in the United States have been extended by Presidential proclamations to the authors of Belgium, Chile, Costa Rica, Denmark, France, Germany, Great Britain and her possessions (Australia, Canada, India, etc.), Italy, Mexico, Netherlands (Holland) and possessions, Portugal, Spain, and Switzerland.

The authors of the countries named, therefore, and their assigns, as copyright proprietors, can obtain copyright protection for their prints and labels in the United States upon the same conditions as American authors.

Under the authority of the opinions of the Attorney-General, dated December 2, 1898, and February 19, 1902, residents of Cuba, Hawaii, and Porto Rico are entitled to the benefits of the copyright laws relating to the registration of prints and labels.

THE APPLICATION.

18. To entitle the author or proprietor of any such print or label to register the same in the Patent Office, the application for registration thereof must be made to the Commissioner of Patents, and the said application should be signed by the author or proprietor, or for the author or proprietor by a duly authorized agent.

19. A complete application comprises—

(*a*) A statement addressed to the Commissioner of Patents, disclosing applicant's name, nationality, and place of doing business; whether author or proprietor, and, if proprietor, a disclosure of the nationality

of the author; the title of the print or label, and the name of the article of manufacture for which the print or label is to be used.

(*b*) Ten copies of the print or label, one of which, when the print or label is registered, shall be certified under the seal of the Commissioner of Patents and returned to the author or proprietor.

(*c*) A statement of its nonpublication prior to date of filing.

(*d*) A fee of $6.

20. The title of the print or label must appear on the copies filed.

21. The deposit of the 10 copies required should be made before the publication of the print or label, the law providing that no person shall be entitled to a copyright unless he shall also, not later than the date of publication thereof, in this or any foreign country, deliver the required copies of the print or label in the office of registry.

22. Pending applications are preserved in secrecy, and no information will be given without authority of the applicant respecting the filing of an application for the registration of a print or label by any person, or the subject-matter thereof, unless it shall, in the opinion of the Commissioner, be necessary to the proper conduct of business before the office.

EXAMINATION OF APPLICATIONS.

23. The so-called print and label section of the copyright statute, approved June 18, 1874, is construed to provide for the registration of any print or label without examination as to its novelty.

24. All applications for registration are considered in the first instance by the examiner. Whenever on examination of an application registration is refused for any reason whatever the applicant will be notified thereof. The reasons for such rejection will be stated, and such information will be given as may be useful in aiding the applicant to judge of the propriety of further prosecuting his application.

25. The examination of an application and the action thereon will be directed throughout to the merits, but in each letter the examiner shall state or refer to all his objections.

AMENDMENTS.

26. The application may be amended to correct informalities or to avoid objections made by the office, or for other reasons arising in the course of examination, and if the copies of the prints or labels furnished are for any reason not registrable under the copyright law, the applicant may substitute copies which conform to the requirements of said law.

27. In every amendment the exact word or words to be stricken out or inserted must be specified, and the precise point indicated where the erasure or insertion is to be made. All such amendments must be

on sheets of paper separate from the papers previously filed, and written on but one side of the paper.

28. After allowance, the examiner will exercise jurisdiction over an application only by special authority from the Commissioner.

Amendments may be made after the allowance of an application on the recommendation of the examiner, approved by the Commissioner, without withdrawing the case from issue.

29. After the completion of the application, the office will not return the papers for any purpose whatever. If the applicant has not preserved copies of the papers which he wishes to amend, the office will furnish them on the usual terms. (See Rule 42.)

SUBJECT-MATTER OF APPLICATION.

30. The word "print," as used in section 3 of the copyright act, so far as it relates to registration in the Patent Office, is defined as an artistic and intellectual production designed to be used for an article of manufacture, and in some fashion pertaining thereto but not borne by it; such, for instance, as an advertisement thereof.

31. The word "label," as used in this act, so far as it relates to registration in the Patent Office, is defined as an artistic and intellectual production impressed or stamped directly upon the article of manufacture, or upon a slip or piece of paper or other material, to be attached in any manner to manufactured articles, or to bottles, boxes, and packages containing them, to indicate the article of manufacture.

32. No print or label can be registered unless it properly belongs to an article of manufacture, and is descriptive thereof, and is as above defined, and unless the application is filed before publication thereof.

APPEALS.

33. An adverse decision by the examiner who has charge of the registration of prints and labels, upon an applicant's right to have a print or label registered, will be reviewed by the Commissioner in person, on appeal, without fee.

ISSUE, DATE, AND DURATION OF CERTIFICATE.

34. When the requirements of the law and of the rules have been complied with, and the office has adjudged a print or label registrable, a certificate will be issued by the Commissioner under his seal, to the effect that the applicant has complied with the law, and that he is entitled to the protection of his print or label in such case made and provided. Attached to the certificate will be a copy of the print or label.

35. The weekly issue closes on Thursday, and the certificates of registration of that issue bear date as of the third Tuesday thereafter.

36. A certificate of registry shall remain in force for twenty-eight years from its date.

37. The certificate may be continued for a further term of fourteen years upon filing a second application within six months before the expiration of the term of the original certificate and complying with all other regulations with regard to original applications. Within two months from the date of said renewal the applicant must cause a copy of the record thereof to be published for four weeks in one or more newspapers printed in the United States.

ASSIGNMENTS.

38. Prints and labels are assignable in law by an instrument in writing. This should state the names of the assignee and assignor, the title of the print or label assigned; the date of filing the application, or, if registered, the date and number of the certificate, a statement of a "valuable consideration," and should be dated and signed.

Every assignment must be recorded in the Patent Office within sixty days after its execution, in default of which it shall be void as against any subsequent purchaser or mortgagee, for a valuable consideration, without notice.

COPIES AND PUBLICATIONS.

39. After a print or label has been registered, copies thereof can be furnished, when authorized by the Commissioner, upon the payment of the fee.

40. An order for a copy of an assignment must give the liber and page of the record, as well as the name of the proprietor; otherwise an extra charge will be made for the time consumed in making the search for such assignment.

41. The Official Gazette of the Patent Office will contain a list of all the prints and labels registered, with the name and address of the registrant in each case, the title of the print or label, and a statement of the particular goods to which it is to be applied, together with the date of filing the application.

FEES.

42. On filing an application for registration of a print or label	$6.00
For manuscript copies for every 100 words or fraction thereof	.10
For recording every assignment, agreement, power of attorney, or other paper of 300 words or less	1.00
For recording every assignment, agreement, power of attorney, or other paper of more than 300 words and less than 1,000 words	2.00
For recording every assignment, agreement, power of attorney, or other paper of more than 1,000 words	3.00

For abstracts of title:	
For the certificate of search	$1.00
For each brief from the digests of assignments	.20
For assistance to attorneys and others in the examination of records, one hour or less	.50
Each additional hour or fraction thereof	.50
For single printed copy, when authorized by the Commissioner	.05
If certified, for the grant	.50
For the certificate	.25

43. The fee for registration of a print or label is to be paid to the Commissioner of Patents, or to the Treasurer or any of the assistant treasurers of the United States, or to any of the depositaries, national banks, or receivers of public money designated by the Secretary of the Treasury for that purpose, who shall give the depositor a receipt or certificate of deposit therefor, which shall be transmitted to the Patent Office. When this can not be done without inconvenience, the money may be remitted by mail, and in every such case the letter should state the exact amount inclosed. All money orders and checks should be made payable to the "Commissioner of Patents."

44. All money sent by mail, either to or from the Patent Office, will be at the risk of the sender. All payments to the office must be made in specie, Treasury notes, national-bank notes, certified checks, or money orders.

REPAYMENT OF MONEY.

45. Upon refusal of the Commissioner to register the print or label, and on application by the applicant, or his duly authorized agent, the fee may be returned.

NOTICE OF COPYRIGHT.

46. It is necessary, in order to maintain an action for infringement of a copyright, that the claim of copyright be printed on each copy of the article protected. The wording of the notice is determined by the copyright statute, section 4962, and should be as follows: Copyright, 19—, by (inserting full name of author or proprietor).

FORMS OF APPLICATION FOR REGISTRATION OF PRINTS.

(*1*) *For an individual.*

To the Commissioner of Patents:

The undersigned, A. B., a citizen (or subject, as the case may be) of the ——— ———, residing at ———, ———, and doing business at No. —— ——— ——— street, in said city, hereby applies as author (or proprietor, as the case may be) (if the application is made by the proprietor, the nationality of the author from whom title is derived should be stated) for registration of the print shown in the accompanying copies, ten of which are furnished.

The print has not been published; its title is ———, and it is used for advertising purposes for ———.

A. B.,
Author or Proprietor.

Dated this —— day of ———, 190–.

(*2*) *For a firm.*

To the Commissioner of Patents:

The undersigned, C. D. & Co., a firm domiciled in the city of ———, county of ———, State of ———, and doing business at No. —— ——— ——— street, in said city, and composed of the following members ——— ———, citizens of (or subjects, as the case may be) ——— ———, hereby apply as author (or proprietor, as the case may be) (if the application is made by the proprietor, the nationality of the author from whom title is derived should be stated) for registration of the print shown in the accompanying copies, ten of which are furnished.

The print has not been published; its title is ———, and it is used for advertising purposes for ———.

C. D. & Co.,
Author or Proprietor,
By C. D., *a member of the firm.*

Dated this ——— day of ———, 190–.

(*3*) *For a corporation.*

To the Commissioner of Patents:

The applicant, The E. & F. Company, a corporation duly created by authority of the laws of the State of ——— (or other authority, as the

case may be), located in the city of ———, county of ———, in said State, and doing business at No. —— ——— ——— street, in said city, hereby applies as proprietor (the nationality of the author from whom title is derived should be stated) for registration of the print shown in the accompanying copies, ten of which are furnished.

The print has not been published; its title is ———, and it is used for advertising purposes for ———.

THE E. & F. COMPANY,
By G. H., *the President* (*or other officer*).

Dated this —— day of ———, 190–.

FORMS OF APPLICATION FOR REGISTRATION OF LABELS.

(*1*) *For an individual.*

To the Commissioner of Patents:

The undersigned, A. B., a citizen (or subject, as the case may be, of the ——— ———, residing at ———, ———, and doing business at No. —— ——— ——— street, in said city, hereby applies as author (or proprietor, as the case may be) (if the application is made by the proprietor, the nationality of the author from whom title is derived should be stated) for registration of the label shown in the accompanying copies, ten of which are furnished.

The label has not been published: its title is ———, and it is to be used on ———.

A. B., *Author or Proprietor.*

Dated this —— day of ———, 190–.

(*2*) *For a firm.*

To the Commissioner of Patents:

The undersigned, C. D. & Co., a firm domiciled in the city of ———, county of ———, State of ———, and doing business at No. —— ——— street, in said city, and composed of the following members, ——— ———, citizens of (or subjects, as the case may be) ——— ———, hereby apply, as author (or proprietor, as the case may be, if the application is made by the proprietor, the nationality of the author from whom title is derived should be stated), for registration of the label shown in the accompanying copies, ten of which are furnished.

The label has not been published; its title is ———, and it is to be used on ———.

C. D. & Co.,
Author or proprietor,
By C. D.,
A member of the firm.

Dated this —— day of ———, 190–.

(*3*) *For a corporation.*

To the Commissioner of Patents:

The applicant, The E. and F. Company, a corporation duly created by authority of the laws of the State of ——— (or other authority, as

the case may be), located in the city of ———, county of ———, in said State, and doing business at No. —— ——— ——— street, in said city, hereby applies as proprietor (the nationality of the author from whom title is derived should be stated) for registration of the label shown in the accompanying copies, ten of which are furnished.

The label has not been published; its title is ———, and it is to be used on ———.

THE E. & F. COMPANY,
By G. H.,
The President (*or other officer*).

Dated this —— day of ———, 190–.

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